

**Karner Blue HCP Semi-annual Review Meeting**  
**April 13, 2004**  
**9:30 a.m. to 3:00 p.m.**  
**at Best Western East Towne Suites in Madison**

**MINUTES**  
**DRAFT 4**

Attending: Pete Fasbender (morning), Janet Smith, Cathy Carnes, Brent Haglund (morning), Jim Ruwaldt (morning), Mike Engel (morning), Jim Christenson, Eric Ebersberger, Darrell Zastrow, Bob Hess, Dave Lentz, Rebecca Schroeder (afternoon only).

Recorder: Megan Marie

**1) Review of Voluntary Participation Plan in HCP - Proactive Voluntary Category**  
*In light of Sand County Foundation's concerns, clarify landowners covered, and discuss regulatory options to secure long term assurances for this land owner group.*

Brent Haglund discussed the work of SCF and how the ideas of Aldo Leopold apply to the KBB HCP. He summarized the Leopold Stewardship Fund (LSF), how it was established and future directions. The LSF is seeking to provide tools for landowners to improve integrity of habitat for imperiled species. An example of LSF at work - the swift fox reintroduction project: LSF work helped to keep swift fox off threatened list by playing a role in having it legitimately removed from candidate for listing status. SCF is proud of the partnerships forged thus far across the nation, and believes they can continue to raise money to help private landowners play an even stronger role in species recovery.

Mike Engel discussed the FWS private landowner programs, some of which is currently funded by the Leopold Stewardship Fund. They work with landowners that want to do restoration/enhancement work and help to secure funding/cost-share. Over 1000 acres of KBB habitat in WI has been restored to date. Their concern is what happens if the HCP is not renewed, as well as what to do with landowners who do not necessarily fit in to the voluntary participation strategy of the HCP. Example: landowner converts 40 acres to KBB habitat, then in ten years wants to sell 3-five acre lots...this would not be covered under the HCP. There is a great deal of trust involved with the program, and currently participation by landowners is simple. A large pile of paperwork would likely be daunting to most of these landowners.

Janet Smith: FWS certainly wants to try and provide assurance/coverage for these folks.

Jimmy C: (Referring to his letter to FWS of 3-29-04) We really need to work with the landowners here in WI if there is to be a long-term success for this HCP. We have seen an incredible amount of voluntary cooperation thus far, and want to see this continue into the future. There would undoubtedly be a net conservation benefit to a "safe harbor" program with our voluntary participants. We need to determine how best to accommodate private landowners and how to encourage landowners to work with us. Jimmy would like to explore this concept and put some "flesh on the bones" of this idea. He also stated the need to avoid doing this in a way that is loaded down with paperwork

- state does not have staff/funds to administer something that is very time consuming. We must avoid developing a "monster" that we can't administer.... At this point in time it is absolutely necessary to explore this subject and try to come up with solutions.

Cathy Carnes stated the need to clarify who would be included, justify the biology behind it, "beef" up the HCP and clarify the voluntary participation plan. The HCP will have to make an argument that voluntary landowner group will be beneficial to KBB populations until delisting. We will need to clarify these benefits, and forecast benefits to end of HCP and beyond. The Voluntary Participation Plan will also need to be clarified...clarified who does and does not fit into the voluntary participation group. Currently most of the area in SPAs and ACEs are owned/managed by partners. We want to demonstrate that we will be getting more conservation of the species by including the voluntary landowner participants than currently considered in the HCP - should a voluntary participant change the use of that land, the impact would not be large enough to jeopardize the recovery of the KBB.

There was a discussion of the need to clarify land transfer issues.  
Jimmy C noted that anything we do to discourage land transfers will stall participation.

Proposed action to implement changes: (all participants)

Regulatory steps:

- 1) Amend HCP/ ITP to provide ESA coverage until delisting. (Clarify voluntary group)
- 2) Amend Biological Opinion (B/O) and redo section 7 to provide ESA coverage until delisting.
- 3) Assess NEPA compliance implications of proposed change and take necessary steps to

How to accomplish:

- 1) Define voluntary group
- 2) Review risk assessment, including in analysis:
  - new population
  - new monitoring data
  - proactive conservation
  - 3 yr. Participation plan review data
  - NRCS/FWS and others who are involved with voluntary strategy landowners.
- 3) Beef up justification that voluntary conservation provides benefit, and also does not jeopardize recovery; project to delisting
- 4) Expand/recommit to O& E to keep voluntary participants involved and informed.
  - annual contact - newsletter/information on management techniques and timing, etc.
- 5) Recognition for landowner participants

Time line:

<u>Responsible</u>	<u>Step</u>	<u>Due Date</u>
Dave	Discuss with IOC	April 14
Cathy:	Process Outline	April 23
Jimmy & Dave	Draft HCP Amendment	May 7
Dave	Partner (IOC) Review	Before June 7
All	Comments from 6-mo. attendees	Before June 7

Jimmy & Dave	Final Draft HCP Amend. to FWS	June 7
FWS	NEPA Solicitor Review ????	
Cathy	Amend B/O (FWS sign off if possible)	June 22

**ACTION DAVE:** Copy George Albright on this concept as it is drafted so he can consider if there are any WEPA implications with this change.

Brent strongly suggested planning on a time when we will have a landowner recognition & amendment/funding announcement event.

Dave announced that DNR is trying to stage a major media event for the KBB festival on July 10th. He suggested that this might be a great venue to hold a recognition event in conjunction with the festival. Dave proposed we form a sub-group to develop ideas for this. Group would be Mike, Brent, and possibly Darcy Kind. Dave will also participate and be liaison to DNR public affairs coordinating media. Peter Moreno can be helpful until he leaves on June 24th.

Cathy Carnes' thoughts on permanent take:

For non-voluntary group: regulate commercial, industrial, and residential development, unless activity occurs on lands proactively restored for KBB.

Dave: To prove previous "proactive restoration" of habitat, the landowner would need to be identified by association with a known conservation program, i.e. Sand County Foundation, Mike or Darcy's landowner programs, etc.

Mike suggested keeping definition of non-voluntary and voluntary groups simple.

Previous work done on NPO/NGO discussions could shed light on criteria for voluntary group.

**ACTION:** Cathy, Dave, and Jimmy: Review previous NGO/NPO discussions in defining regulated/non-regulated entities.

**LUNCH - Discussed agenda item #6 (see below).**

## **2) CC/UC amendment: final approval so DNR can issue the official amendment.**

*Cathy would like additional discussion related to gypsy moth. (Refer minor amendment & reporting form).*

Cathy explained that to protect KBB's, the USFS GM control program does not use Btk in SPAs and ACEs.

There was a discussion of what is and is not a changed circumstance. Dave noted that because the gypsy moths have been in WI, gypsy moth infestations are not a changed circumstance.

Darrell noted that there are well over 5000 acres w/in SPAs and ACEs, and USDA-FS only produces 5000 acres worth of Gypchek each year. There are also areas w/in SPAs and ACEs that might not have Karners, such as a campground in the BRSF.

We still want to have Btk available for areas where we may only be affecting a small, isolated population, and save the available Gypchek for areas with large, established populations.

The group recognized that the existing HCP (changed circumstance for gypsy moth) language addresses the issue well. Darrell recommended leaving the original language, and Dave has reservations.

Rebecca suggested changing "GM infestation" to "GM Management".

**ACTION DAVE:** Discuss GM as a changed circumstance with IOC; coordinate with Darrel and send revised CC/UC amendment to FWS

Cathy had questions about reporting time for CC after forest fire. She has concerns about changes in personnel b/w CC and time of reporting...Dave says that the audit process is the follow up on reporting. Currently there is already auditing we do to make sure those who are monitoring have up-to-date training. It is unlikely that at least two growing seasons may be necessary to report an assessment/corrective action. The audit process will deal with personnel changes, etc.

**Action:** Dave will add a question in the audit form to inquire about CC assessments and management adjustments. This will uncover any open-ended assessments.

Additionally, Cathy would like to add clarification to the language in CC "Assessment and Management Adjustments for fire that says "the partner will submit *a report of the event and the findings on their annual report...*" as well as "each partner will submit corrective action plan, *if required...*",

The third clarification to Change Table 2.34 heading from "Conservation Measures" to "Assessment and Management Adjustments" still makes sense and will stand.

### **3) Clarifications vs. Minor Amendments**

*Finalize document reviewed at 11-6-03 meeting. Application example:*

- *Does taking of non-lupine nectaring areas outside of flight season constitute incidental take?*
- *Permanent Take of nectar areas has application. (proposal attached)*

Cathy and Dave suggest only including non-lupine areas in Permanent Take, not in short term incidental take (e.g. mowing, burning, herbicide use). Dave passed out a proposal on Permanent Take of nectar areas.

**ACTION ITEM:** Cathy and Dave will discuss this issue further at a later time.

Cathy handed out an outline drafted at the last 6-mo mtg. regarding clarifications vs. minor amendments. Reductions in lands in the HCP could indicate a reduction in conservation initially committed. There is need to identify a trigger point for the level of change at which minor amendment is needed as per land ownership changes reported in the annual report. Cathy suggests considering 20% below original acreage of HCP. Jimmy suggests that the trigger should not just be arbitrary...it will need to show that KBB habitat (not non-habitat) in HCP is decreasing below an acceptable level.

**ACTION ITEM:** Cathy to finalize clarifications vs. minor amendments handout and send to Dave.

**ACTION ITEM:** Dave to take issue to IOC of need to identify a trigger point for when a major amendment is needed – this would be when there is a "substantive reduction" in the total acres committed to the HCP (see Jimmy's comment above)

On the subject of decision making, Dave brought up the fact that there has been too much time spent making decisions, waiting for information, etc.... We need to begin making some decisions based on best available information/information at hand and

revisit if necessary instead of waiting to get all necessary information. This would avoid reviewing issues multiple times before making decisions. In the future, we need to focus our limited efforts where it will make the most difference. Issues of minor value or returned benefits should be given less of our time. FWS and DNR reps agree on this issue.

#### **4) Streamlining progress report**

##### *a) Fast track approval process (We wanted to review progress on this.)*

Dave suggested that "fast track" approvals will be rare since the process allows the restarting of the 60-day clock whenever Cathy needs more information which is usually the case. This isn't always bad, we just need to focus on the important issues and make quicker decisions where the risk is low or the benefit is low and invest more where it is more important.

##### *b) Ltd. Partner Inclusion process (DNR has made some process improvements)*

- New application form
- New SHCA & appendices
- Ltd. Partner Orientation packet
- Abridged Annual Report form for Ltd's - AR-EZ

Dave: Streamlining the inclusion process is going well - have made the Ltd. Partner Inclusion process simpler.

##### *c) Improvements that would streamline or eliminate waiting for pre-approvals:*

- Mitigation guideline for road ROW
- ROW guideline revisions for brushing, mechanical management, knife trenching, other trenching
- Prescribed burning protocol - increased flexibility

Dave: Decisions on management/guidelines need to be streamlined as well. Too much back and forth; decisions are taking an unnecessarily long time. If the issue is not critical, make a decision; try it; monitor if necessary to get more data.

##### *d) Full partner application process. How is it working?*

We have a number of full partner candidates filling out applications. We can assess if the improved process works better.

#### **5) Monitoring System Improvements and Issues**

##### *Brief progress report*

Dave gave a brief update on Monitoring Improvements and handed out some information on new criteria for site selection and management activities to be studied.

#### **6) Gypsy moth control/KBB conflict: Not enough gypchek by 2005.**

*Discuss issues and consider steps to avoid a fire drill in spring 2005.*

Discussed at Lunch

- 1) Darrell: Set up meeting w/USDAFS, FWS, DATCP and DNR to discuss gypchek issue.

- 2) Explore development of a screening tool including GIS layers (soils, KBB occurrences...). Involve David Mladenoff. Megan may be a helpful liaison. Scott Bernstein should be involved.
- 3) Develop a risk assessment tool using KBB importance priority list (Dave supplied to Andrea).

**ACTION DAVE:** Send Darrell and Jimmy the risk priority list.

**7) Recovery implementation plans: ITP Condition M**

- *Recovery implementation plans will be provided to the FWS for Meadow Valley, Sandhill, and Crex/Fish Lake by May 1, 2005.*
- *KBB population survey for Recovery at GLG*

Dave asked what is involved in creating a recovery implementation plan - would it even be possible to by May 1, 2005 for these properties?

Cathy responded that it is an outline of what is necessary to create a long-term viable population at the property. At places like Crex, the first step is population surveys.

Darrel asked about funding for recovery properties to complete this monitoring and creation of a recovery implementation plan.

There was a discussion of budget concerns/lack of funding and ways for FWS to assist with funding of survey work.

Even if approved, the Crex Meadows challenge grant funds may not be released until after the 2004 monitoring season window is past. It was determined that, realistically, we should process another ITP extension request for ITP condition M.

**ACTION DAVE:** Draft extension request for condition M.

**ACTION CATHY:** Send outlines of information to go into recovery implementation plans to Dave.

***DID NOT HAVE TIME FOR AGENDA ITEMS 8-12. ITEM 13 (below) WAS ADDED.***

**8) Partner issues:**

- *Plum Creek CI? amended SHCA: update*
- *We Energies SHCA?*
- *Swiss Permanent Take proposal*
- *Washburn Co. For. Pre-mgt. survey exemption*
- *Knife-trenching guideline: not a permanent take*

**9) Pending new partner inclusions - Status Reports**

- *Onyx 7-mile Creek Landfill*
- *Adams Columbia Electric Cooperative*
- *Dairyland Power Cooperative*
- *Oakdale Electric Cooperative*
- *Menominee County Hwy. Dept.*
- *Waupaca County Hwy. Dept.*
- *Springfield Township (Marquette Co.)*

**10) Utility/RR Inclusion Invitation is still on hold. Continue?**

## **11) What to do about Town of Clearfield? An update on the situation.**

## **12) Miscellaneous updates and announcements**

- *Audit 2003 summary report*
- *HCP Data Mgr. update*
- *2004 Monitoring Training*
- *2004 Summer Field Trip/picnic*
- *KBB Festival plans*

## **13) ATC Lands Included Issue**

ATC took over some land from other utility partners, but those transfers were not well represented until Matt Krumenauer (ATC) supplied maps showing these land transfers. To better track lands included, Cathy Carnes asked if individual partners who transferred lands supply updated maps to attach amend their SHCA appendix A's. Could partners themselves supply sum total of "lands included" instead of Scott Bernstein (data manager) totaling each year? Each partner should be amending their SHCA's occasionally to document any changes in their Appendix A and conservation and monitoring commitments.

**ACTION DAVE:** Discuss with IOC on 4/14/04.

Dave also noted that lands where repeated surveys have demonstrated no lupine, should not be included in HCP. FWS agreed.

**ACTION DAVE:** Have Washburn County amend SHCA Appendix A and provide justification for deletion of lands from HCP.

## **14) Date for next meeting**

Next meeting set for October 20, 2004 in Green Bay.

### **Pending Issues**

- *Prescribed Burn: Proposed burn protocol*
- *ROW Guideline:*
  - *Brushing addition*
  - *Mechanical management*
  - *Ditching (maintenance)*
  - *Cable insertion w/ vibrating knife*
  - *Cable insertion w/ Ditch Witch*
- *Wicking Guideline*
- *Pesticide Guideline: add Bromacil*
- *ANR pre-mgt. survey exemption: next steps identified.*
- *From 11-6-03 meeting: Some WRPCO lands not sold by SENA to WPSC were sold to private landowners - problems w/ lands being pulled out of FERC boundary for development - are these KBB lands? Bob Martini involved. Follow up with Bob M. and new landowners?*
- *From 11-6-03 meeting: DOW chemical intrepid issue with cranberry growers.*
- *Need for the utility partners (e.g., WPS, and Alliant) to clarify their SHCA commitments seeing ATC is now a partner (see FWS letter dated Feb. 11, 2004)*

- *Find out the status of WI Gas Co. SHCA - the permit notes them as a company of WE Energies. I have no documentation of any changes to the WI GAS CO. SHCA - no documentation of WE Energies responsibilities.*

**Clarifications and Amendments:**

- *Crex representative site amendment: issue resolved, needs formal approval*
- *One-time permittee clarification: issue resolved, needs to be published*

Minutes HCP 6-mo Rev 4-13-04 draft3.doc